

Drugs Act. The article was labeled in part: "Crystal Springs Brand Tomato Puree \* \* \* Packed by Henryville Canning Co., Inc., Henryville, Ind."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On June 2, 1934, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22739. Misbranding of prepared mustard. U. S. v. 415 Cases and 75 Cases of Prepared Mustard. Product ordered relabeled and released. (F. & D. no. 32398. Sample nos. 39331-A, 39332-A.)**

Sample jars of prepared mustard taken from the shipment involved in this case were found to contain less than the labeled weight.

On March 28, 1934, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 490 cases of prepared mustard at Greenville, S. C., alleging that the article had been shipped in interstate commerce, on or about February 5, 1934, by the Mid-West Food Packers, Inc., from Fowlerton, Ind., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Mid-West Brand Pure Prepared Mustard Contents 2 Lbs [or "Contents 1 Lb.]" Made by Midwest Food Packers, Inc., Fowlerton, Ind."

It was alleged in the libel that the article was misbranded in that the statements on the labels, "Contents 2 Lbs." or "Contents 1 Lb.", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On August 2, 1934, Jack R. Gignilliat, Greenville, S. C., having appeared as claimant for the property, and the case having come on for hearing on the pleadings and stipulation of claimant, admitting the allegations of the libel, judgment was entered ordering that the product be relabeled under the supervision of this Department and released to the claimant.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22740. Adulteration of evaporated apples. U. S. v. 253 Boxes of Evaporated Apples. Default decree of condemnation. Product disposed of by destruction or delivery to relief organization. (F. & D. no. 32402. Sample no. 69064-A.)**

This case involved the shipment of evaporated apples which were found to be in part insect-infested, decomposed, and dirty.

On March 20, 1934, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 253 boxes of evaporated apples at El Reno, Okla., alleging that the article had been shipped in interstate commerce on or about December 17, 1933, by the Loma Fruit Co., from Watsonville, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Clipper Brand, Evaporated Apples \* \* \* Packed by Loma Fruit Company Watsonville Calif."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On June 25, 1934, no claimant having appeared for the property, judgment of condemnation was entered and the court, having found that the product was but partly decomposed, ordered that it be offered to a relief organization and, if not accepted, that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22741. Adulteration and misbranding of whisky. U. S. v. 11 Cases, et al., of Whisky. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 32403, 32404, 32501. Sample nos. 58075-A, 58292-A, 58293-A.)**

These cases involved various lots of alleged whisky which consisted of artificially flavored and colored brandy.

On March 22 and April 4, 1934, the United States attorneys for the Districts of Rhode Island and Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation

of 170 cases of alleged whisky at Providence, R. I., and 34 cases at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about March 3, 1934, by the Sherwood Distilling & Distributing Co., from Baltimore, Md., into the States of Rhode Island and Massachusetts, respectively, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "13 Years Old Blue Ridge Whiskey Bottled by the Sherwood Distilling & Distributing Co., Baltimore, Md."

It was alleged in the libels that the article was adulterated in that artificially colored and flavored brandy had been substituted for the article.

Misbranding was alleged for the reason that the statement on the label, "Whiskey", was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On May 24 and July 17, 1934, the Sherwood Distilling & Distributing Co., Baltimore, Md., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$8,740, conditioned that it be correctly relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22742. Adulteration of evaporated apples. U. S. v. 100 Boxes of Evaporated Apples. Consent decree of condemnation. Product released under bond. (F. & D. no. 32426. Sample no. 62005-A.)**

This case involved the shipment of a quantity of evaporated apples which contained excessive moisture.

On March 28, 1934, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 boxes of evaporated apples at Sherman, Tex., alleging that the article had been shipped in interstate commerce on or about February 13, 1934, by Rosenberg Bros. & Co., from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "25 Lbs. Net Weight Magnolia Brand Extra Choice Evaporated Apples Distributed by Rosenberg Bros. & Co. California."

It was alleged in the libel that the article was adulterated in that a product containing excessive water had been substituted for evaporated apples.

On June 27, 1934, Rosenberg Bros. & Co., Fresno, Calif., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be dried to reduce the moisture content to 24 percent or less.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22743. Adulteration and misbranding of chocolate coating. U. S. v. 2 Cases and 2 Cases of Chocolate Coating. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 32428. Sample nos. 48203-A, 48204-A.)**

This case involved a product sold under labels which indicated that it was milk chocolate. Examination showed that the article contained skim milk solids and was deficient in butterfat.

On March 29, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cases of chocolate coating at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about February 23, 1934, by the Guittard Chocolate Co., from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled: (Case) "May Milk Chocolate Coating"; (slab) "May Milk with Cocoa Butter Added Improving Smoothness Guittard Chocolate Co. San Francisco." The remainder was labeled: (Case) "Milkote \* \* \* Chocolate"; (slab) "Milkote."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat and containing skim milk solids had been substituted for the article.

Misbranding was alleged with respect to a portion of the article for the reason that the statement, "May Milk Chocolate Coating", was false and mis-